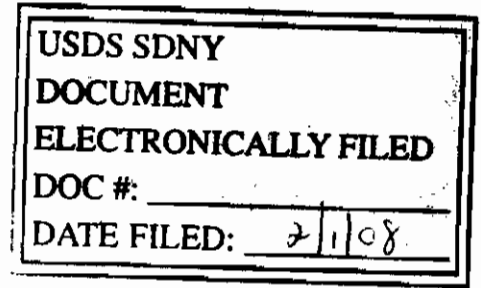


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
UNITED STATES COURTHOUSE  
500 PEARL STREET  
NEW YORK, NEW YORK 10007-1581  
(212) 805-6325



CHAMBERS OF  
COLLEEN McMAHON  
UNITED STATES DISTRICT JUDGE

TO ALL COUNSEL IN: Diaz v. NBC Universal (08 Civ. 401)  
CC: J. Michael McMahon, Clerk of the Court  
FROM: Judge McMahon  
RE: Procedural Posture of Case  
DATE: February 1, 2008

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Counsel:

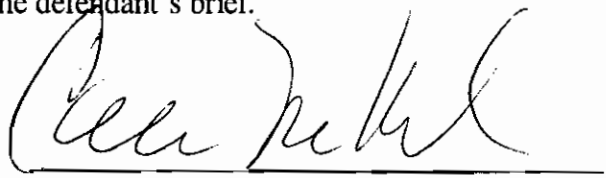
The Clerk's Office's characterization of what transpired during our telephone conference on January 25, 2008, is, unfortunately, erroneous – no doubt due to my unorthodox way of handling these matters.

The Court's memorandum to the docket clerk indicated the following: the application for a temporary restraining order was denied. Defendant had 48 hours to decide whether to move for a change of venue (which it has elected not to do). Defendant has until the close of business today to move to dismiss the action, or in the alternative why injunctive relief should not issue if the complaint is not dismissed. Plaintiff must respond by close of business on February 6. We will have a decision on that motion – hopefully by close of business on February 11 – and if the complaint is not dismissed, we will hold a hearing on the merits starting on February 19 (there being no court on February 18, a legal holiday).

The fact that I did not sign the order to show cause as submitted to me does not mean (as the Clerk apparently believes) that no application for preliminary injunctive relief is pending. Until I dismiss the complaint, such an application is definitely on the table and will be dealt with this month.

I am directing the Clerk's office to accept for filing the plaintiff's application for a preliminary injunction, together with a copy of this order (which has already been entered on the docket sheet) setting out the schedule for dealing with that motion and the plaintiff's motion to dismiss.

Plaintiff may have 35 pages to respond to the defendant's brief.

A handwritten signature in black ink, appearing to read "Allen M. Hall", is written over a horizontal line.

U.S.D.J.